

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hongwei Chen	Team: Team # 8	CCRB Case #: 200717300	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/29/2007 6:45 PM	Location of Incident: 151 West 34th Street	Precinct: 14	18 Mo. SOL 5/29/2009	EO SOL 5/29/2009	
Date/Time CV Reported Fri, 11/30/2007 10:43 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/30/2007 10:43 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Eugene Sullivan	13279	934207	MTN PCT
2. POM Patrick Quigley	10451	934081	PBMS
3. POM Paul Dunne	25441	922293	PBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM George Droesch	31048	930076	PBMS

Officer(s)	Allegation	Investigator Recommendation
A.POM Eugene Sullivan	Force: PO Eugene Sullivan used physical force against § 87(2)(b)	
B.POM Paul Dunne	Force: PO Paul Dunne used physical force against § 87(2)(b)	
C.POM Patrick Quigley	Force: PO Patrick Quigley used pepper spray against § 87(2)(b)	
D.POM Patrick Quigley	Force: PO Patrick Quigley used physical force against § 87(2)(b)	
E.POM Eugene Sullivan	Abuse: PO Eugene Sullivan did not obtain medical treatment for § 87(2)(b)	
F.POM Patrick Quigley	Abuse: PO Patrick Quigley did not obtain medical treatment for § 87(2)(b)	

Synopsis

On November 29, 2007, at approximately 7:30 PM, § 87(2)(b) was engaged in a dispute with a cashier, identified by the investigation as § 87(2)(b) at the Macy's department store on 151 West 34th Street in Manhattan. PO Eugene Sullivan of the 18th Precinct and PO Paul Dunne of Patrol Borough Manhattan South, both assigned to the PBMS Grand Larceny Task Force, were patrolling Macy's and approached § 87(2)(b). The officers employed physical force to put § 87(2)(b)'s arms behind his back, and all three fell to the ground (**Allegation A and B**). PO Sullivan called PO George Droesch and PO Patrick Quigley of PBMS for assistance. PO Droesch and PO Quigley arrived at the scene and PO Quigley pepper sprayed § 87(2)(b) (**Allegation C**). PO Quigley employed physical force to help place § 87(2)(b) into handcuffs (**Allegation D**). The officers removed § 87(2)(b) to the Macy's security area. In the Macy's security area, § 87(2)(b) asked for medical assistance but did not receive it (**Allegations E and F**). § 87(2)(b) spoke to Macy's security personnel and was removed to the 14th Precinct, where he received a summons for disorderly conduct.

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b) is a § 87(2)(b)-old Asian male, who is 5'7" tall and weighs 175 pounds, with black hair and black eyes. § 87(2)(b) is employed as a § 87(2)(b). § 87(2)(b) reported his complaint telephonically to the CCRB on November 30, 2007 (encl. 3b-c). § 87(2)(b) provided an official CCRB statement on December 11, 2007 (encl. 3d-h). § 87(2)(b) provided a subsequent phone statement on August 4, 2008 (encl. 3ha). The statements are summarized below.

On November 29, 2007 at approximately 7:30 PM, § 87(2)(b) was buying a pan for his wife in the basement of the Macys on 151 W. 34 Street. A male clerk, whom the investigation identified as § 87(2)(b) skipped § 87(2)(b) in line and asked him to wait in the other line. § 87(2)(b) argued with § 87(2)(b) and admitted to being very angry and loud. After a few minutes, he moved to the other line. While he was paying for his merchandise, § 87(2)(b) noticed a silver badge being held near his face on the left side. The plainclothes officer who was holding the badge, PO1, said, "Police." The investigation determined that PO Eugene Sullivan and PO Paul Dunne were the two officers who initially responded.. However, the investigation, however, was unable to determine which of these officers was first to approach § 87(2)(b) since § 87(2)(b) was unable to describe the officer. The officer took § 87(2)(b)'s right hand and held it to § 87(2)(b)'s side. When the officer attempted to bring § 87(2)(b)'s hand behind his back, § 87(2)(b) "didn't let him." § 87(2)(b) did not specify how he resisted. The second plainclothes officer approached and helped place § 87(2)(b)'s hand behind his back. The officers then pushed § 87(2)(b)'s head down on the cashier counter, handcuffed and pushed him to the ground (**Allegations A, B and D**). An officer, identified by the investigation as PO Patrick Quigley, pepper sprayed § 87(2)(b) while he was handcuffed and on the ground (**Allegation C**).

§ 87(2)(b) told the officers that he felt sick. The officers guided him down the stairs to the street. The officers then took § 87(2)(b) to the 2nd Floor of Macys into the security locker. Inside the security locker, § 87(2)(b) yelled at the people who were walking by for water. § 87(2)(b) also stated that he was feeling dizzy, and he requested to go to the hospital, but not to anyone in particular (**Allegations E and F**). Nobody brought him water. An officer walked by and said, "I've called the ambulance." An officer took a photo of him. The officers told § 87(2)(b) to sit on a chair for a while. An individual, who identified himself as the "person in charge," entered the room and told § 87(2)(b) to apologize. Another individual entered the room and gave him water, but did not flush out his eyes. They then opened the door and instructed him to walk out the door. § 87(2)(b) was taken to an unmarked vehicle of the same model as one of the larger marked patrol cars. The officers asked § 87(2)(b) to sit on the right side. The officers drove § 87(2)(b) to the 14th Precinct and took him to the front desk. Officers confiscated § 87(2)(b)'s glasses and wallet. They

counted the money in his wallet and returned his glasses in his jacket pocket. The glasses were bent. § 87(2)(b) forgot if he was given a voucher. PO Eugene Sullivan then wrote him a summons for disorderly conduct § 87(2)(b)). § 87(2)(b) did not receive medical treatment.

Results of Investigation

Civilian Statements

§ 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5'7" tall, and weighs 157 pounds, with black hair and brown eyes. § 87(2)(b) is an § 87(2)(b) and worked as a § 87(2)(b) on the incident date. § 87(2)(b) provided a written statement to the Macy's Security Department on November 29, 2007 (encl. 3i). § 87(2)(b) provided a phone statement to the CCRB on June 4, 2008 (encl. 3j) and was interviewed at the CCRB on July 30, 2008 (encl. 3k-o). The relevant details are included in the summary below.

On November 29, 2007, at approximately 7:30 PM, § 87(2)(b) was working as a cashier at the Macy's on 151 West 34th Street in Manhattan. An individual, identified by the investigation as § 87(2)(b) skipped the line twice. § 87(2)(b) asked him to step back, at which point § 87(2)(b) became agitated and began to curse and threaten him. § 87(2)(b) said, "I'm already on the line. You're fucking stupid. If you say one more word... I'm going to § 87(2)(b) did not understand the second part of § 87(2)(b)'s statement.] PO1, a 5'7" tall white male with light brown hair and the same build as § 87(2)(b) in plainclothes and wearing a hat, approached § 87(2)(b) and identified himself as the police. § 87(2)(b) turned towards the officer and said, "I don't give a fuck who you are. Get away." PO1 asked § 87(2)(b) more than two times to step off the line. PO1 then put his hand on § 87(2)(b)'s shoulder, and § 87(2)(b) shrugged him off. § 87(2)(b) said, "Get your fucking hands off me." § 87(2)(b) was speaking very loudly. PO2, a 5'7" tall white male with black hair and medium build, with no facial hair or glasses, came and attempted to move § 87(2)(b) by force. § 87(2)(b) indicated that at this point, his manager attempted to pull him away from the register, so § 87(2)(b) did not see which officer initiated the force against § 87(2)(b). The next thing § 87(2)(b) noticed was that PO1 had his arm wrapped across § 87(2)(b)'s chest. PO1 was pulling § 87(2)(b) and § 87(2)(b) was holding onto the edge of the cashier counter, refusing to move. § 87(2)(b) did not recall what PO2 was doing at this time. At this point, § 87(2)(b) was standing approximately 10-15 feet away from the scuffle. § 87(2)(b) was paying attention, but also speaking with Macy's security personnel and co-workers.

The officers and § 87(2)(b) fell to the floor. § 87(2)(b) and the officers rolled around on the ground for approximately a minute. § 87(2)(b) did not recall exactly what position they were in, but did recall that § 87(2)(b) was sitting up at one point. § 87(2)(b) did not see § 87(2)(b) strike any of the officers, but did see him kick one of the plastic poles that marked the customer line. Less than a minute later, § 87(2)(b) was in handcuffs. § 87(2)(b) was on his stomach when the handcuffs were administered, although § 87(2)(b) did not see the moment he was handcuffed. The officers then stood § 87(2)(b) up and walked him away. § 87(2)(b) did not notice any other police officers at the scene, or other individuals who were assisting the officers. § 87(2)(b) did not see anyone pepper spray § 87(2)(b). He also stated that he would have likely seen the pepper spray if it happened.

Officer Statements

PO Paul Dunne

PO Paul Dunne is § 87(2)(b). PO Dunne was interviewed at the CCRB on July 15, 2008 by Investigator Chen (encl. 4n-r). On November 29, 2007, PO Dunne worked Grand Larceny Patrol from 1:00 PM to 9:30 PM, in plainclothes, and on foot. PO Dunne was partnered with PO Eugene Sullivan. PO Dunne did not have any memo book entries concerning the incident.

On the incident date, at approximately 7:30 PM, PO Dunne and PO Sullivan were walking around the basement of the Macy's store at 151 West 34th Street in Manhattan. The officers observed an individual, identified by the investigation as § 87(2)(b) at one of the counters become irate and scream at a Macy's employee, § 87(2)(b) was saying that he was next and didn't cut in line. There were approximately 100-125 shoppers gathered around § 87(2)(b) threw a box at § 87(2)(b) and

stated, "I'm going to fucking get you." The box missed § 87(2)(b) and hit the counter. § 87(2)(b) attempted to run around the counter to reach § 87(2)(b).

PO Dunne and PO Sullivan, with their shields displayed around their neck, identified themselves as police officers. The officers said, "New York City Police Department sir, can we speak to you?" § 87(2)(b) ignored the officers and continued to scream and curse, and attempted to get around the counter. PO Dunne and PO Sullivan approached § 87(2)(b) and attempted to calm him down. § 87(2)(b) was approximately three fourths around the counter when the officers reached him. PO Sullivan and PO Dunne placed themselves in § 87(2)(b)'s path. PO Dunne was standing next to the counter, with PO Sullivan next to him. § 87(2)(b) began flailing his arms, swinging his fists, and shoving the officers with the weight of his body. § 87(2)(b) made contact with PO Dunne several times with his hands on the arms, chest, and jaw. PO Dunne did not recall how many of the hits were made with closed fists. § 87(2)(b) also made contact with PO Sullivan. § 87(2)(b) also put his hands against both officers' chests and attempted to push them away. The officers did not touch § 87(2)(b) prior to § 87(2)(b) touching the officers. § 87(2)(b) also grabbed the officers' clothes. The officers then attempted to place § 87(2)(b) in handcuffs. PO Sullivan made the first move to put § 87(2)(b) into handcuffs by grabbing his arm. PO Dunne grabbed § 87(2)(b)'s other arm. § 87(2)(b) became more irate and continued to swing his arms. The officers and § 87(2)(b) then fell to the ground. PO Dunne did not recall who fell to the ground first. PO Dunne did not recall what exact positions on the ground he, PO Sullivan, or § 87(2)(b) were in. PO Dunne stated that they were in "all different positions on the floor." PO Dunne was only attempting to hold on to § 87(2)(b)'s arms. PO Dunne noted that § 87(2)(b) was a "large gentleman and very strong." PO Dunne denied holding § 87(2)(b) against the counter at any point in the incident.

PO Sullivan called PO Droesch while the officers were struggling with § 87(2)(b) on the floor. PO Quigley and PO Droesch arrived at the scene soon after the call. PO Droesch turned around to keep the crowd back. PO Quigley helped the two other officers in getting § 87(2)(b)'s hands behind his back. At this point, § 87(2)(b) had become louder and more irate. Within a minute of his arrival, PO Quigley pepper sprayed § 87(2)(b) from a distance of two feet. The pepper spray hit § 87(2)(b) in the face.

PO Dunne and PO Sullivan were still struggling with § 87(2)(b) when the pepper spray was used. § 87(2)(b) became more irate, screaming even louder and cursing. PO Dunne and PO Sullivan then pulled § 87(2)(b)'s wrists close to each other and handcuffed them. § 87(2)(b) was still on the floor, and PO Dunne did not recall if he was face up or face down.

All four officers escorted § 87(2)(b) to the Macy's security area. It took approximately 1 minute to reach the security office. PO Dunne did not recall if § 87(2)(b) complained about any injuries, or about his eyes. PO Droesch left the scene almost immediately after the officers arrived at the security office. PO Dunne left shortly after. PO Dunne did not recall how many Macy's security personnel were in the area. PO Dunne believed that some Macy's personnel spoke with § 87(2)(b) but did not recall who it was. PO Dunne did not speak with § 87(2)(b) in the security area. After § 87(2)(b) was handcuffed, PO Dunne only spoke to him to help him get off the floor. PO Dunne did not observe any injuries on § 87(2)(b) besides for the fact that he was pepper sprayed. PO Dunne did not recall if anyone gave § 87(2)(b) water, or if EMS arrived at the scene.

PO Dunne returned to patrol alone. PO Dunne was notified by PO Sullivan that an AIDED card and a MTPR were filled out by PO Quigley. PO Dunne was also informed that PO Sullivan issued § 87(2)(b) a "C" summons.

PO Patrick Quigley

PO Patrick Quigley, is § 87(2)(b). PO Quigley was interviewed at the CCRB on June 27, 2008 by Investigator Chen (4e-h). On November 29, 2007, PO Quigley worked from 1:00 PM to 9:35 PM, in plainclothes. PO Quigley was assigned to patrol with PO George Droesch. PO Quigley's motor vehicle was parked in the area and he patrolled on foot. PO Quigley wore casual attire. PO Quigley did not have memo book entries in regards to the incident. On November 29, 2008, at approximately 7:30 PM, PO Quigley was walking with PO Droesch on 34th Street in Manhattan when PO Droesch received a phone call from PO Sullivan, directing them to respond to the basement of Macy's. When PO Quigley arrived at the location, he observed § 87(2)(b) "fighting" with PO Dunne and PO Sullivan. § 87(2)(b) was in bent over in a "tripod" position, with three limbs touching the

ground, § 87(2)(b) was trying to stand up. PO Dunne and PO Sullivan were attempting to handcuff § 87(2)(b) although PO Quigley did not recall where they were standing, and what bodily position they were in. Both officers gave § 87(2)(b) verbal orders to put his hands behind his back. The officers were also attempting to hold § 87(2)(b) against the ground and prevent him from standing up. § 87(2)(b) was kicking in an up and down, circular, jerky, violent motion. § 87(2)(b) was also swinging his arms in an up and down, back and forth, circular, jerky motion. PO Quigley did not recall if § 87(2)(b) struck any officers with hands or legs. PO Quigley was not struck. The officers attempted to grab § 87(2)(b)'s legs and arms. PO Quigley did not recall how far § 87(2)(b) was from the counter. However, PO Quigley did recall that § 87(2)(b) was not touching the counter.

PO Quigley assisted by holding § 87(2)(b) in an attempt to prevent him from getting up. PO Quigley did not recall which part of § 87(2)(b)'s body he was holding. PO Quigley did not recall if § 87(2)(b) was in the tripod position. PO Quigley did not recall what physical position § 87(2)(b) was in. § 87(2)(b) was not fully lying down. He was not standing up straight. PO Quigley did not know if PO Drosch was in physical contact with § 87(2)(b). PO Quigley then pepper sprayed § 87(2)(b) in his face. § 87(2)(b) continued to flail his arms in the same way he was prior to being pepper sprayed. The officers then pulled § 87(2)(b)'s hands behind his back and handcuffed him. PO Quigley did not recall how long it took to handcuff § 87(2)(b). PO Quigley did not administer the handcuffs. PO Quigley told § 87(2)(b) to put his hands behind his back both before and after PO Quigley pepper sprayed him.

The officers brought § 87(2)(b) to 14th (Midtown South) Precinct stationhouse and called an ambulance. PO Quigley did not recall if § 87(2)(b) was taken to any Macy's security facilities. PO Quigley did not recall if PO Sullivan accompanied him to the stationhouse. PO Quigley did not recall if PO Drosch accompanied him to the stationhouse. PO Quigley did not recall who called the ambulance. PO Quigley did not recall if he called the ambulance. PO Quigley saw the ambulance arrive, but did not recall how long it took for the ambulance to come. PO Quigley saw the EMTs but did not recall how they treated him. § 87(2)(b) was not taken to the hospital. Besides being pepper sprayed, PO Quigley did not observe any other injuries on § 87(2)(b). PO Quigley did not recall if § 87(2)(b) complained of injuries or asked for medical assistance. PO Quigley did not recall how long he stayed at the stationhouse. PO Quigley was present to see § 87(2)(b) given the summons. PO Quigley did not speak to § 87(2)(b) at the precinct. § 87(2)(b) was seated on a bench and had one hand cuffed to the bench. PO Quigley was present when § 87(2)(b) left the precinct.

PO George Drosch

PO George Drosch is a § 87(2)(b). § 87(2)(b). PO Drosch was interviewed at the CCRB on July 9, 2008 by Investigator Chen (encl. 4i-m). On November 29, 2007, PO Drosch worked from 1:00 PM to 9:35 PM in plainclothes and on foot. PO Drosch was assigned to patrol in the Midtown South area with PO Quigley. PO Drosch was wearing casual plainclothes. PO Drosch did not have memo book entries concerning the incident.

On the above date, at approximately 7:30 PM, PO Drosch was walking with PO Quigley on West 34th Street, when he received a phone call from PO Sullivan requesting their assistance in the basement of Macy's. When they arrived, PO Drosch observed an older Asian male, § 87(2)(b) standing next to the cash register. § 87(2)(b) was yelling and screaming incoherently as PO Sullivan and PO Paul Dunne were attempting to apprehend him. § 87(2)(b) was also flailing his arms in a jerky side to side and forward motion. § 87(2)(b) was "jabbing" with his feet by flailing them towards the officers. PO Drosch saw § 87(2)(b)'s arms and feet make contact more than 5 times with both officers. Both officers attempted to put § 87(2)(b)'s arm to the side. PO Quigley walked forward to help the two officers. PO Drosch turned around and conducted crowd control. PO Drosch heard all three officers behind him say, "Stop resisting." PO Drosch did not turn around. PO Drosch was facing the crowd with the cash register to his back. There were approximately 150-200 people in the area. The crowd was "literally on top of" the officers and § 87(2)(b). PO Drosch said, "Please back up" to the crowd. The crowd complied. PO Drosch was turned away from § 87(2)(b) for 6-10 minutes.

PO Drosch turned around and § 87(2)(b) was in handcuffs. § 87(2)(b) was not standing up. The three other officers were next to him, kneeling. § 87(2)(b) was still flailing his legs and not cooperating with orders to sit still. The officers were attempting to hold § 87(2)(b)'s legs down. PO Drosch was standing 5 feet away and did not make physical contact with § 87(2)(b). § 87(2)(b) was kicking for another 4-5 minutes after he was handcuffed. After this, § 87(2)(b) began physically cooperating. § 87(2)(b) was still yelling and

screaming. § 87(2)(b)'s physical condition appeared normal, with no injuries. PO Droesch was unaware that § 87(2)(b) was pepper sprayed.

PO Droesch and the other officers escorted § 87(2)(b) to the Macy's security office on floor 1 and 1/2. In order to reach the security office, the officers walked up the stairs and the escalator. PO Droesch walked in the back and never handled § 87(2)(b). PO Droesch also did not speak to § 87(2)(b). § 87(2)(b) was put in one of the rooms in the security area. § 87(2)(b) was still yelling and screaming incoherently. PO Droesch did not hear § 87(2)(b) complain of injuries. PO Droesch did not recall how long § 87(2)(b) was held inside the security room. The other three officers were in the security office with PO Droesch. PO Droesch could not estimate how many Macy's security officers were in the area. PO Droesch did not see any of the security personnel speak with § 87(2)(b). PO Droesch was in the security office for approximately 2 minutes and then returned to patrol.

PO Eugene Sullivan

PO Eugene Sullivan is a § 87(2)(b). PO Sullivan's memo book entry for November 29, 2007 states the following: "1950: Disorderly Conduct summons # § 87(2)(b) inside of 151 West 34th Street (encl. 4a-c). On the back of the aforementioned summons, PO Sullivan wrote: "Deft was observed in public view cursing and making verbal threats to store clerk at stated location. Deft did also throw box at store clerk causing public alarm" (encl. 4d).

MAS confirmed that PO Sullivan has resigned from the NYPD on May 30, 2008 (encl. 11k). Therefore, he was not interviewed by the CCRB.

Medical Records

Ambulance Call Report

The Fire Department of New York was unable to find any record of an ambulance call report for § 87(2)(b) treated either at 151 West 34th Street or at the 14th Precinct (encl. 5a-b).

Police Department Documents

Sprint and Communications

The SPRINT and Communications records for 151 West 34th Street on the incident date revealed no calls pertaining to § 87(2)(b) (encl. 7a-c). The SPRINT records for calls from the 14th stationhouse revealed negative results on the incident date.

Summons

Summons number § 87(2)(b) (encl. 7d-e) was issued a summons for Disorderly Conduct subsection one by PO Eugene Sullivan of the Grand Larceny Task Force. According to the summons, the incident occurred at 7:50 PM on November 29, 2007 inside 151 West 34th Street.

Roll Calls

The tour 3 roll call for the Grand Larceny Task Force on the incident date (encl. 7f-g) indicates that PO Sullivan and PO Quigley were assigned to Team 2. PO Droesch and PO Dunne were assigned to Team 3. All four officers were assigned to 14th and 18th Precinct posts.

The tour 3 roll call for the 14th Precinct is also included in the case file (encl. 7m-x).

Command Log

The 14th Precinct command log (encl. 7h) indicates that § 87(2)(b)'s arrest was logged at 8:00 PM. § 87(2)(b) was charged with disorderly conduct. His physical and mental condition was apparently normal. At 8:18 PM, § 87(2)(b) was issued a summons and released.

Prisoner Holding Pen Roster

§ 87(2)(b) was not logged in the Prisoner Holding Pen Roster at the 14th Precinct on November 28, 2007 (encl. 7i-l).

Other Documents

Macy's Incident Report

A subpoena to Macy's for documents relevant to the incident (encl. 6a-e) returned a security apprehension report, a photograph of § 87(2)(b), and a statement by § 87(2)(b). The security apprehension report states that § 87(2)(b) was placed in custody at 6:45 PM and left custody at 8:20 PM. The reason for custody was that the police were delayed. § 87(2)(b) was handcuffed because he forcefully resisted apprehension and his charge was Malicious Mischief. The photograph is in black and white, and not detailed enough to suggest any conclusive facts about his physical condition.

On December 13, 2007, the undersigned spoke with a representative of Macy's security and determined that the video footage of the Macy's basement had not been saved.

Disposition of Summons

On August 1, 2008, the undersigned called the summons clerk office for a disposition on § 87(2)(b)'s summons. The clerk's office stated that the summons number was "defective" and the captain of the precinct never submitted the summons to court. A search a OCA and eCourts revealed no records of the summons.

Notice of Claim

The comptroller's officer confirmed that no notice of claim was filed (encl. 10b).

Officer CCRB Histories

PO Eugene Sullivan has no substantiated CCRB allegations on his record (encl. 2c). PO Patrick Quigley has no substantiated CCRB allegations on his record (encl. 2a). PO Paul Dunne has three CCRB allegations, in cases 200103040 and 200301021, which resulted in the imposition of command discipline (A) (encl. 2b).

Civilian CCRB History

§ 87(2)(b) has no previous CCRB complaints (encl. 3a).

Civilian Criminal History

A search of the Booking and Arraignment Disposition System (BADS) for § 87(2)(b)'s social security number and name revealed no arrests on record in the State of New York (encl. 8a).

Conclusions and Recommendations

Officer Identification

PO Eugene Sullivan was identified through the summons that he issued § 87(2)(b). The Grand Larceny Task Force roll call was used to identify PO Quigley. PO Quigley admitted to participating in the incident and identified PO Droesch and PO Dunne as additional officers who were present. Both PO Droesch and PO Dunne admitted to being present for incident. Because PO Quigley admitted to pepper spraying § 87(2)(b) the allegation C is pleaded against PO Quigley. Because there was consistent agreement amongst the officer statements that only PO Sullivan, PO Dunne, and PO Quigley participated in physically subduing § 87(2)(b). Allegations A, B, and D are pleaded against PO Sullivan, PO Dunne, and PO Quigley respectively. PO Droesch was added as a witness officer, since there was consistent testimony that he worked crowd control and did not touch § 87(2)(b). Since both PO Quigley and PO Sullivan stayed with § 87(2)(b) in Macy's security and accompanied him to the stationhouse, and since PO Sullivan was § 87(2)(b)'s arresting officer and PO Quigley was the officer who administered the pepper spray, allegations E and F are pleaded against PO Sullivan and PO Quigley respectively.

Undisputed Facts

It is undisputed that § 87(2)(b) argued with § 87(2)(b) in a loud voice about his being next in line. It is undisputed that PO Dunne and PO Sullivan approached him and identified themselves as police. It is undisputed that as the officers attempted to place § 87(2)(b)'s hands behind his back, he resisted. It is undisputed that PO Quigley arrived at the scene and administered pepper spray on § 87(2)(b). It is

undisputed that § 87(2)(b) was then put into handcuffs. It is undisputed that PO Sullivan issued § 87(2)(b) a summons for disorderly conduct at the 14th Precinct stationhouse.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b), § 87(2)(c)

Allegation A: PO Eugene Sullivan used physical force against § 87(2)(b)

Allegation B: PO Paul Dunne used physical force against § 87(2)(b)

[REDACTED]

_____.

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

[Redacted text block]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: